

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ESTHER BROCKMAN for,
CHRISTOPHER BROCKMAN,
a minor,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

2:03cv205
Electronic Filing

MEMORANDUM ORDER

Plaintiff's Complaint was received by the Clerk of Court on February 11, 2003, and was subsequently referred to United States Magistrate Judge Lisa Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates

The Magistrate Judge's Report and Recommendation (Doc. No. 11), filed on August 4, 2005, recommended that Plaintiff's Motion for Summary Judgment (Doc. No. 6) be denied, Defendant's Motion for Summary Judgment (Doc. No. 8) be granted, and the decision of the Commissioner of Social Security to deny Plaintiff's application be affirmed. Service was made on all counsel of record. No objections to the Report and Recommendation were filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 24th day of August, 2005:

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment is **DENIED**.


IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment is **GRANTED**.

IT IS FURTHER ORDERED the decision of the Commissioner of Social Security to deny Plaintiff's application is **AFFIRMED**.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lenihan, dated August 4, 2005, is adopted as the Opinion of the Court.



David Stewart Cercone
United States District Judge


Dated: August 14, 2005

cc: Gregory G. Paul, Esq.
2500 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

Laura Schleich Irwin, Esq.
U.S. Attorney's Office
700 Grant Street, Suite 400
Pittsburgh, PA 15219